

**Notice of Allowability**

Application No.

09/991,913

Examiner

ANH H. DO

Applicant(s)

LEFEBVRE, MARC-ANDRE

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment on 8/1/2007.
2. ☒ The allowed claim(s) is/are 1-14 and 16-132.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 4/26/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**ANH HONG DO**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Remarks (pages 33 and 34), filed 8/1/2007, with respect to claims 1-14 and 16-132 have been fully considered and are persuasive. The rejection of claims 1-14 and 16-132 has been withdrawn.

Regarding the specification, the Applicant is referred to rule 37 CFR 1.77(b) which states "the specification should include the section in orders..." It is clearly not the Examiner's mere suggestion. Therefore, the specification should be amended to include the ordered sections as suggested.

### ***Allowable Subject Matter***

2. Claims 1-14 and 16-132 are allowed.

3. The following is an examiner's statement of reasons for allowance:

- \* Rejected claim 1 has been amended to include the allowable subject matters;
- \* The objected claims 6, 9, and 18 have been rewritten in independent form to include the limitations of base claims and any intervening claim;
- \* The present invention provides a new method to enable an analysis taking into account impact of the one or more environmental factors over at least the period of time (specification, page 3, paragraph [007]).

Particularly, the new method comprises the following features, which the prior art taken either singly or in combination does not teach:

- obtaining third information, wherein... after a treatment of the first external body portion is initiated; and determining a difference... the second information (see independent claim 1);

- obtaining third information... after the first time; and determining a difference... the second information (see independent claim 6);

- obtaining third information... a second time; obtaining fourth information... after the first time; and determining a difference between the third information and the fourth information (see independent claim 9);

- obtaining third information... a second time; obtaining fourth information... is initialed; and determining a difference between the third information and the fourth information (see independent claim 18);

- obtaining third information... is initialed; determining a difference between the third information and the second information; comparing the difference between the first information and the second information with the difference between the third information... the treatment of the first external body portion (see independent claim 59);

- obtaining fourth information... is initialed; determining a difference between the third information and the fourth information; comparing... the treatment of the first external body portion (see independent claim 81).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANH H. DO whose telephone number is 571-272-7433. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EILEEN LILLIS can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 19, 2007



**ANH HONG DO  
PRIMARY EXAMINER**